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|--|-------------|----------------------|---------------------|------------------|
| 10/661,266 | 09/12/2003 | Scott Gray | 006030.00004 | 7794 |
| 22908 7590 03/13/2008 BANNER & WITCOFF, LTD. TEN SOUTH WACKER DRIVE SUITE 3000 CHICAGO, IL 60606 | | | | |
| EXAMINER | | | | |
| SEYE, ABDOU K | | | | |
| ART UNIT | | PAPER NUMBER | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/661,266

Applicant(s)

GRAY ET AL.

Examiner

Abdou Karim Seye

Art Unit

2194

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-39 and 42-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-39 and 42-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The amendment filed on November 16, 2007 has been received and entered. The amendment amended Claims 1, 10, 15, 38, 42 and 45; and cancelled claims 6, 9 and 40-41. The currently pending claims considered below are Claims 1-5, 7-39 and 42-45.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 7-8, 10-14, 18-39 and 42-45 are rejected under 35 U.S.C. 102(b) as being anticipated by **Netter (US 20020038388)**.

Claims 1, 36, 38 and 42, Netter teaches a product and method for monitoring user actions on a computer system, comprising:

(a) determining, with a first application programming interface (API), whether a first screen object has been acted upon by a user, the first API being coordinate independent and application message independent with respect to the first screen object (Fig. 1, paragraph 19-20); and

(b) in response to (a), capturing a user event, from any of a plurality of applications, associated with the first screen object (Fig. 1; paragraph 20; 88; Fig. 5; paragraph 117-121)

(c) representing the captured user event as an event entry in a file (FIG. 1; paragraph 25); and

(d) playing back the user event from the event entry of the file to reproduce the captured user event (paragraph 21; Fig. 9; paragraph 155-161).

As to Claim 2, Netter teaches, (e) processing the captured user event (paragraph 20).

As to Claim 3, Netter teaches, wherein the first API comprises an Active Accessibility® API (paragraph 20; 119; the claimed elements "activeX and "COM extension" of Netter's reference meet the claimed limitation of the claim).

As to claim Claim 4, Netter teaches, (e) determining, with a second API, whether a second screen object has been acted upon by the user (Fig. 2; paragraph 102-104; Fig. 5; paragraph 119-123).

As to Claim 5, Netter teaches, (e) determining, with a second API, whether the first screen object has been acted upon by the user (Fig. 2; paragraph 102-104; Fig. 5; paragraph 119-123).

Art Unit: 2194

As to Claim 7, Netter teaches, wherein, (ii) storing the file (paragraph 25)

As to Claim 8, Netter further teaches 7, wherein (e) (iii) retrieving the file (Fig. 6; paragraph 25; 138 ;164 and 96).

As to Claim 10, Netter teaches, wherein (e) (ii) modifying a replayed user event by editing an attribute of the event entry of the file (Fig. 6; paragraph 129-131).

As to claim 11, Netter further teaches, wherein (ii) (1) modifying the event entry to represent a modified user event (Fig. 6; paragraph 129-131).

As to claim 12, Netter teaches, wherein the file comprises a text file (paragraph 162).

As to claim 13, Netter teaches, wherein the text file complies with an extensible Markup Language (XML) format (paragraph 98).

As to claim 14, Netter further teaches, (f) inputting a command, through a user interface, that is indicative of subsequent processing of the user event (paragraph 77; 96).

As to claim 30, Netter teaches, wherein the command is indicative of playing back a file, wherein (e) comprises: (i) enumerating a desktop; (ii) in response to (i), drilling

Art Unit: 2194

down through a hierarchy to find a matching screen object in accordance with at least one attribute of the event entry; and (iii) if the matching screen object is not found, stopping playback of the file; and (iv) if the matching screen object is found, invoking a recorded action that is associated with the user event (Fig. 9; paragraph 147; 159-160)

As to claim 18-29, 31-35, 37, 39, 43-45, they are rejected for the same reason as the claims above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 15-17 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Kush, **Netter (US 20020038388)** in view of Einbinder (5402167).

As to claim 15, Netter teaches inputting a command, through a user interface, that is indicative of subsequent processing of the user event as in claim 14 above ; and further teaches (ii) determining whether a cursor is positioned over the first screen object ; and

(iii) if the cursor is over the first object, accessing and recording parameters associated with the first screen object (Fig. 3; paragraph 108).

However, Netter does not explicitly teach, wherein (e) (i) adjusting a recording speed associated with the user event based on a recording speed input, the recording speed being associated with a minimum duration of the user event for recording the user event.

Whereas, in the same field of endeavor Einbinder discloses a speed control input associated normal, regular and random recording speed and a switch controlled by a remote control , a user event ; and adjusted frame speed observed in a monitor (abstract; col. 3, lines 10-22 and lines 55-67).

It would be obvious to a person of ordinary skill in the art at the time the invention was made to modify Netter's invention with Einbinder's invention to include the functionality of adjusting recording speed based on the user input. One would be motivated to adjust recording speed in order to provide a suitable resolution by responding to motion, sound or other desired conditions sensed in an area (Einbinder's; col. 3, lines 15-23).

As to claims 16-17, they are rejected for the same reasons as the claims above.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. Abdou Seye whose telephone number is

Art Unit: 2194

(571) 270-1062. The examiner can normally be reached Monday through Friday from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, contact the examiner's supervisor, William Thomson at (571) 272-3718. The fax phone number for formal or official faxes to Technology Center 3600 is (571) 273-8300. Draft or informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 273-6722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-3600.

AKS

February 28, 2008

/Thomson D. William/

Supervisory Patent Examiner, Art Unit 2194